IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 20710 of 2004

Between:

Smt. K. Padmavathamma, W/o. A. Ramachandra Naidu,
Principal Government Junior College for Girls, Adoni, Kurnool District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, Rep. by its

Principal Secretary to Government
Higher Education (IE.I) Department, Secretariat,
2 The Director of Intermediate Education, Nampally, A.P. Hyderabad.
3 B. KULLAYAPPA, S/o. Age Not Known, Principal
Goverment of Junior College, Alur, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more in the nature of Certiorari calling for the records relating to the order of the Hon'ble A.P. Administrative Tribunal dated 2-11-2004 in O.A.No.5034 of 2004 and quash the same by holding it as illegal, bad and arbitrary and further declare the orders of the Government in G.O.Rt.No.559 dated 28-8-2004 as illegal, bad and arbitrary and quash the same and further direct the respondents to continue the petitioner as Principal of Government Junior College (Girls) Adoni, Kurnool District.

Counsel for the Petitioner:MR.J.R.MANOHAR RAO

Counsel for the Respondent Nos.1 and 2: GP FOR SERVICES-I

Counsel for the Respondent No.3: Mr.D.Rajesh Kumar, Advocate.

The Court made the following:

O R D E R: (Per GB,J)

This Writ Petition is filed challenging the Order dated 02-11-2004 passed by the Andhra Pradesh Administrative Tribunal (for short "Tribunal") in O.A.No.5034 of 2004.

2. The petitioner was initially appointed as a Junior Lecturer. She was promoted as a Principal and posted to Government Junior College, Holagunda, Kurnool District. On the representation made by the petitioner, the Government vide G.O.Rt.No.971, dated
13-12-2002 transferred her to Government Junior College for Girls at Adoni. Subsequently, by the impugned G.O.Rt.No.559, dated
28-08-2004, she was transferred to the Government Junior College for Boys at Alur, Kurnool District. The said order came to be challenged before the Tribunal in O.A.No.5034 of 2004. While admitting the O.A., the Tribunal granted interim suspension on
02-09-2004. However, the O.A. was dismissed by order dated
02-11-2004. The said order came to be challenged before this Court in this Writ Petition.

3. While admitting the Writ Petition, the order of transfer was suspended. Since the vacate application was filed by the respondents, the present writ petition is taken up for final hearing.

4. The learned counsel for the petitioner submits that the transfer order passed by the Government is illegal and contrary to law, and it runs contrary to the statutory guidelines issued in G.O.Rt.No.29, dated 29-03-2004. The learned counsel would also submit that as per the Rules, only female Principal is

required to be posted in the Government Junior College for Girls and, therefore, the unofficial respondent cannot be posted in the Government Junior College for Girls at Adoni. Hence, the order is liable to be set aside.

5. The learned Government Pleader submits that as the said transfer was made on administrative grounds, it cannot be interfered with and, therefore, the order of the Tribunal cannot be said to be falsified and illegal.

6. We have considered the respective contentions.

7. The petitioner was transferred from Holagonda to Adoni on the ground that her spouse was working at Adoni, but that situation has no more existed as her spouse retired from service. Under G.O.Rt.No.559, dated 28-08-2004, most of the transfers have been effected and the petitioner was also transferred to Government Junior College for Boys at Aluru. According to the G.O.Rt.No.29, dated 29-03-2004, the petitioner cannot be posted to a Government Junior College for Boys.

8. Admittedly, the petitioner worked as a Principal at Adoni only for a period of two years. As per the guidelines issued in G.O.Rt.No.29, dated 29-03-2004, she has to be continued for a minimum period of four years. Therefore, there is a violation of the orders issued by the Government itself. Under the facts and circumstances of the case, we are of the considered view that the matter is required to be considered by the Government afresh keeping in view the guidelines issued in G.O.Rt.No.29,
dated 29-03-2004.

9. Thus, the order of the Tribunal in O.A.No.5034 of 2004, dated 02.11.2004, is set aside and the matter is remitted to the Government for fresh consideration. The petitioner shall file a representation to the Government within a period of two weeks from today and the same shall be considered by the Government within a period of two weeks thereafter, keeping in view the guidelines in

G.O.Rt.No.29, dated 29-03-2004. The Government shall also consider the regularization of the period from the date of transfer till the date of orders to be passed by the Government. Meanwhile, both the parties are directed to maintain *status-quo*, till the disposal of the representation made by the petitioner to the Government.

10. Accordingly, the Writ Petition is disposed of. No costs.

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G. BIKSHAPATHY, J

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P.S.NARAYANA, J

Date: 09-02-2005

Note:

Issue C.C. in two days.

(B/o)

Prv

To

1 The Principal Secretary to Government,

State of Andhra Pradesh,

Higher Education (IE.I) Department,

Secretariat, Hyderabad.
2 The Director of Intermediate Education, Nampally, A.P. Hyderabad.
3 Two CCs to G.P. for Services-I, High Court of A.P.,

Hyderabad (OUT).

4 Two CD copies.